

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CITY OF NEWARK,

Defendant.

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NO. 16-01731(MCA-MAH)

CITY OF NEWARK’S

THIRD STATUS REPORT

I. INTRODUCTION

Within 180 days of the Effective Date, and every six months thereafter as long as this Agreement is in effect, the City implementation unit will produce a status report that will be filed with the Court, with a copy to the Monitor and DOJ, and shall be a public record. This report shall delineate the steps taken by NPD during the reporting period to implement this Agreement; the City’s assessment of the status of its progress; plans to correct any problems; and response to any concerns raised in the Monitor’s previous quarterly reports.

The “Effective Date” is defined in Section II, Paragraph 4(s) as followed: “Effective Date” means the day this Agreement is signed by the Parties and submitted to the Court for approval.” The Consent Decree was approved on April 29, 2016. The initial status report was submitted on October 26, 2016. A second status report was submitted on April 28, 2017. This report constitutes the third status report, which is due on October 27, 2017.

Response:

This document is a Status Report explaining the progress the City of Newark and the Newark Police Division have made for the reporting period of April 28, 2017 to October 27, 2017 to be in compliance with the Consent Decree. This Status Report will provide an update on all the activities undertaken by the Newark Police Division (“NPD”) and the City of Newark during this reporting period.

II. CONSENT DECREE IMPLEMENTATION UNIT

The City and the NPD agree to hire and retain, or reassign current City or NPD employees to form an inter-disciplinary unit with the skills and abilities necessary to facilitate implementation of this Agreement. This unit will serve as a liaison between the Parties and the Monitor and will assist with the implementation of and compliance with this Agreement. At a minimum, this unit will coordinate the City and NPD’s compliance and implementation activities; facilitate the provision of data, documents, materials, and access to the City and NPD personnel to the Monitor and DOJ, as needed; direct all that data, documents, and records required by this Agreement and maintained in an auditable format; and assist in assigning implementation and compliance related tasks to NPD personnel, as directed by the Police Director or his designee. **(Page 64, Paragraph 196)**

Response:

In response to the Consent Decree, the Newark Police Division established a Consent Decree and Planning Unit (CDPU) and a Consent Decree Advisory Committee (CDAC) on July 15, 2016 to facilitate the mandates set forth therein. The CDPU and CDAC work in conjunction to gather information, prepare documentation and implement any procedure or training that is requested by the Federal Monitor.

The CDPU is responsible for implementing mandates and/or reforms of the Consent Decree in conjunction with the CDAC.

The CDAC is a group of subject matter experts from the Newark Police Division. Members of the CDPU confer with the advisory committee to assist in completing tasks relative to their area of expertise.

Since its inception, the members of the CDPU worked diligently to meet the mandates of the Consent Decree and of the Independent Federal Monitor.

The CDPU regularly receives electronic requests from the Independent Monitoring Team. During the period covered under the current Status Report (Monitor Requests 83 through 98), the following are the requests which have been received:

- 83. Sample Arrest Form
- 84. Sample Field Inquiry Report Form
- 85. Sample Use of Force Form

86. Sample Consent to Search Form
87. Completed Corrective Action Form
88. Completed Incident Report
89. Completed Tour Assignment Sheets
90. Reports related to CC#16-59467
91. Property & Evidence Bin Locations Sheet (2017)
92. BEAST Software File Printouts
93. Glossaries of Acronyms for BEAST Software
94. Questions regarding provided Training Files
95. Corresponding Files related to ten (10) Property & Evidence Receipt Samples
96. Clarification of Internal Audit Process for Property & Evidence
97. Plan and Schedule for Destruction/Disposal of Property & Evidence
98. Electronic Version of One Hundred Sixty-Five (165), OPS Case Files

The following are requests or required reporting incidents (either verbal or electronic), which were not assigned a formal request number; however, were provided to the Independent Federal Monitoring Team:

- Motor Vehicle Operation General Order
- First Aid Training
- VCPI “COP & Bias-Free Training Curriculum
- Monitors First Audit – Multiple Document Request
- Fair and Impartial Training Curriculum
- Bias-Free Policing General Order
- Use of Force General Order
- Firearms Discharge, CC# 17-20573
- Firearms Discharge, CC# 17-22028
- Death of a Police Officer (Natural Causes)
- Carjacking – Firearms Discharge, CC# 17-46326 & CC# 17-46330
- Firearms Discharge, CC# 17-46361
- Arrest of Police Officer, CC# 17-48011
- Arrest of a Newark Police Officer by Hillside PD on 10/07/2017
- Shooting of a Police Officer, CC# 17-55079

The following additional Consent Decree related actions have been taken during this reporting period:

- April 28, 2017 - CDPU personnel attended a meeting with Monitor’s Subject Matter Expert, and members of the U.S. Department of Justice regarding Internal Affairs and Property and Evidence.
- May 1, 2017 – Conference call between members of CDPU and Monitoring Team regarding the establishing of a new process for policy and document sharing and review.
- May 3, 2017 – Meeting between members of CDPU and Monitoring Team regarding the VCPI training curriculum review and vetting process.

- May 4, 2017 – Conference Call between members of CDPU and Monitoring Team regarding the VCPI training curriculum.
- May 5, 2017 – NPD Staffing Assessment Contract signed by the Public Safety Director and forwarded to the Urban League, Monitor and City Law Department.
- May 8, 2017 – CDPU personnel met with Monitor (Mr. Peter Harvey) at Office of Professional Standards to discuss Internal Affairs policy.
- May 30, 2017 – NPD personnel attended “BlueTeam - Train the Trainer” instruction sessions. Trainers started training all NPD personnel.
- June 1, 2017 – All parties attended a Status Conference with Judge Arleo.
- June 7, 2017 – CDPU personnel physically gathered data on Property & Evidence from all five (5) Police Precincts in response to Monitor’s Audit Request.
- June 8-9, 2017 – CDPU personnel attended “Fair & Impartial Policing” training.
- June 14, 2017 – Rutgers University personnel conducted Police Focus Groups.
- June 20, 2017 – CDPU personnel conducted a “Ride-Along” with two (2) members of the Monitoring Team.
- June 22, 2017 – CDPU personnel attended “21st Century Urban Policing” lecture at Rutgers University, featuring Monitor Peter Harvey.
- June 27, 2017 – CDPU personnel attended a Community Forum on the Use of Force and Bias-Free Policing policies.
- June 29, 2017 – Draft Body-Worn Camera policy forwarded to all parties for review.
- July 6, 2017 – CDPU and NPD personnel visited the Philadelphia Police Department along with members of the Monitoring Team to learn and discuss “Community Policing Strategy”.
- July 19, 2017 – CDPU and NPD personnel conducted a meeting with members of Monitoring Team on “Technology Integration”
- July 19, 2017 – Received Court Order regarding the motion filed by the FOP against the CCRB.
- July 21, 2017 – Property & Evidence Kick-Off meeting between members of the Monitoring Team, DOJ and the CDPU.
- July 31, 2017 – Community Policing Kick-Off meeting between members of the Monitoring Team, DOJ and the CDPU.
- August 1, 2017 – Draft version of the NPD Community Policing Strategic Plan forwarded to members of the Monitoring Team, DOJ, and Community for review.
- August 2, 2017 – CDPU provided the Monitoring Team a copy of the proposed First-Aid training curriculum.
- August 9, 2017 – Stops, Searches and Arrests Kick-Off meeting between members of the Monitoring Team, DOJ and the CDPU. Also discussed CCRB, Use of Force, and Bias-Free Policing.
- August 10, 2017 – CDPU notified members of Monitoring Team and US DOJ regarding the suspension of a Newark Police Officer.
- August 14, 2017 – Provided the Monitoring Team with a copy of the VCPI training curriculum on “Community Policing and Bias-Free Policing”

- August 28, 2017 – Trauma Informed Training materials forwarded to the Monitoring Team.
- September 6, 2017 – Provided members of U.S. DOJ with copy of the First-Aid training curriculum.
- September 7, 2017 – Forwarded a letter to Monitor Peter Harvey, from PSD Anthony F. Ambrose requesting approval of First-Aid Training.
- September 7, 2017 – Monitor, members of U.S. DOJ, and CDPU attend Conference with Judge Arleo.
- September 7, 2017 – Members of CDPU conducted a “Ride-Along” with members of U.S. Department of Justice.
- September 15, 2017 – CDPU forwarded a copy of the “Fair and Impartial Policing” curriculum to the Monitoring Team.
- September 19, 2017 – Monitor and DOJ approved the “Bias-Free Policing” General Order.
- September 21, 2017 – “Bias-Free Policing” General Order issued to NPD personnel. Copy forwarded to members of Monitoring Team and DOJ.
- September 26, 2017 – Conference Call with DOJ regarding Body-Worn Camera Policy.
- September 27-29, 2017 – A total of thirty-one (31) NPD personnel received “Train the Trainer” sessions at Berkeley College - Newark Campus, on the “Community Policing and Bias-Free Policing” curriculum from VCPI and the COPS Office.
- September 29, 2017 – “Use of Force” General Order approved by Monitor and DOJ. Order will not be issued as of now, until additional Orders related to Use of Force Reporting, Review and Investigation, and a Weapons Order are completed.
- October 3, 2017 – Members of the Training Division, CDPU, and other NPD personnel attended a “High Impact Supervision” course, hosted by Penn University.
- October 11, 2017 – Commenced training on the Body-Worn Camera NJ State Attorney General Directive.
- October 12, 2017 – Members of the CDPU, Community Focus Division, Community Service Officers, and Training Division attended the “Cultural Diversity, De-Escalation, & Bias Crime Reporting” course by the CLEAR Institute.
- October 16, 2017 - Meeting between PSD Anthony F. Ambrose, Chief of Police Darnell Henry, members of the Consent Decree & Planning Unit and representatives from various community groups to discuss the NPD Strategic Plan, and the community engagement activities that the NPD is currently involved in.
- NPD personnel are currently attending the ongoing State of New Jersey required De-Escalation Training as part of NJ State Attorney General Directive 2016-05.

III. POLICY REVIEW AND REVISION

NPD will develop comprehensive and agency-wide policies and procedures that are consistent with and incorporate all substantive requirements of this agreement. Unless otherwise noted, NPD will develop and implement all such policies, procedures and manuals within two years of the Effective Date. **(Page 8, Paragraph 5)**

Response:

Since the establishment of the unit, members of the CDPU have been, and continue to work collaboratively with members of the Monitoring Team and the U.S. Department of Justice on revisions of existing policy, and/or drafting new policy regarding the below:

- Disposal of Property via Online Auction Policy
- Disciplinary Process & Matrix
- Revision of the Community Oriented Policing Strategic Plan
- Internal Affairs Policy
- Use of Force Policy (Approved 09/29/2017)
- Use of Force Reporting, Investigation and Review Policy
- Firearms and other Weapons Policy
- Community Oriented Policing Policy
- Property and Evidence Management Policy
- Prisoner Property and Inventory Policy
- Property & Evidence Packing and Storage
- Body-Worn Camera and In-car Camera Policy
- BlueTeam use to be incorporated into several existing policies, and policies under development or revision
- Arrest Policy
- Bias-Free Policing Policy (Approved 09/19/2017)
- Investigatory Stops/Voluntary Contacts with Citizens Policy
- Search Policy
- 1st Amendment Right of Citizens to Observe, Object to, and Record Officer Conduct Policy

As members of the Monitoring Team, U.S. Department of Justice, and the CDPU identify an additional need for a new policy, or revision to a current policy, it will be addressed in a collaborative and effective manner consistent with the Agreement.

IV. TRAINING

A. Within 90 days of the Operational Date, NPD will provide training to officers regarding the requirements of the Agreement, and the timeline for their implementation. **(Page 9, Paragraph 10)**

Response:

The content pertaining to this topic was approved by the Monitoring Team and the USDOJ. Training commenced on September 14, 2016, and has continued since. The entire Police Division has been trained; personnel on sick or injury leave receive the training upon return to duty. Training for newly appointed personnel, is being conducted immediately upon graduation from the Police Academy.

B. Within 60 days (Amendment to the CD, dated 12/22/2016) of approval by the Monitor and DOJ of any new or revised policy or procedure that implements a requirement of this Agreement, NPD will provide appropriate training to officers. NPD will provide drafts of new or revised training plans or training curricula related to the requirements of this Agreement to the Monitor and DOJ for review and approval prior to implementation.

(Page 9, Paragraph 11)

Response:

The date mentioned within this topic was modified by the amendment to the Consent Decree, dated December 22, 2016. Currently all policy is being developed in collaboration with members of the Monitoring Team and U.S. Department of Justice.

Several policies are near completion; however, only the “Bias-Free Policing” and “Use of Force” policies have been completed and approved by the Monitor as of this date. This is due to the multiple revisions following recommendation by all involved parties.

An agreed upon schedule has been developed in conjunction with the Monitor and DOJ to start training on each policy following its approval, while allowing the prior training to conclude.

The next training to be conducted will be the Community Oriented, and Bias-Free Policing. All Community Service Officers and other identified personnel who will serve as trainers for the NPD have received the “Train the Trainer” sessions on September 27-29, 2017. The training was imparted by personnel from the Virginia Center for Policing Innovation, who developed the curriculum along with the COPS Office.

Training for all sworn personnel is anticipated to commence in early December of 2017, once the Newark-specific material is added, and the training curriculum is finalized and formally approved by the Monitor and DOJ. Training will be supervised by members of the Monitoring Team, once it begins.

Once the entire Police Division is trained on one subject matter, the next subject matter training will start in an orderly fashion, in order not to deprive the community of valuable police services while the entire Police Division is required to attend the training.

C. By July 9, 2017 (Amendment to the CD, dated 12/22/2016), and annually thereafter, the NPD will provide eight (8) hours of structured in-service training on community policing and problem-oriented policing methods and skills for all officers, including supervisors, managers and executives. **(Page 10, Paragraph 14)**

Response:

The Newark Police Division is currently drafting a new Community Oriented Policing General Order in collaboration with the members of the Monitoring Team and the United States Department of Justice. The General Order is not completed at this time; however, completion will be followed by review, any required revisions, and final approval of the Monitor.

D. NPD will provide all officers with at least sixteen (16) hours of training on stops, searches, arrests, and the requirements of this Agreement by November 1, 2017, (Amendment to the CD, dated 12/22/2016), and at least an additional four (4) hours on an annual basis thereafter. **(Pages 16-17, Paragraph 43)**

Response:

The Arrest General Order, Investigatory Stops/Voluntary Contacts with Citizens General Order, Search Policy, and the 1st Amendment Right of Citizens to View and Record Officers Policy, were drafted by members of the CDPU; however, upon review by the Monitor and DOJ, it was decided that the policies would need to be redeveloped using model policies as guides.

Development of the new policies will be completed in collaboration with members of the Monitoring Team and the U.S. Department of Justice. Once the policies are completed, reviewed, revised if necessary, approved by the Monitor, and the training curricula is developed, reviewed and approved; the training on these policies will begin. The training curricula for these subject matters will be developed alongside the policies.

Training on these subject matters will follow the Community Oriented and Bias-Free Policing training, in order of priority.

The NPD has hired an experienced outside contractor who will assist in the development of training curricula and lesson plans, as well as teaching on all subject matters as directed by the Public Safety Director or his/her designee. The contractor is expected to start by the end of October 2017.

V. COMMUNITY ENGAGEMENT AND CIVILIAN OVERSIGHT

A. By July 9, 2017 (Amendment to the CD, dated 12/22/2016), NPD will assess and revise its staffing allocation and personnel deployment to support community policing and problem-solving initiatives, and will modify any deployment strategy that is incompatible with effective community-oriented policing. This assessment and modified deployment strategy will be provided to the Monitor and DOJ for review and approval. **(Page 11, Paragraph 15)**

Response:

An internal assessment of personnel and their current assignment was conducted; however, in order to ensure full transparency of the process, Public Safety Director Ambrose has secured an independent contractor to conduct the assessment, and make additional recommendations. Any modified deployment will be provided to the Monitor and USDOJ for review prior to implementation. At present the independent contractor has just completed the last draft of the report, which was provided to the NPD on October 12, 2017. The draft will be presented and explained to the Public Safety Director and his staff during a meeting scheduled for October 18, 2017.

B. NPD and the City will implement practices to seek and respond to input from the community about this Agreement's implementation. Such practices may include direct surveys, comment cards, and town hall meetings. **(Page 12, Paragraph 19)**

Response:

The City of Newark and the Monitor are currently working with the Rutgers University Police Institute to develop direct surveys to seek input from the community regarding the implementation of this Agreement.

C. Within 365 days of the Operational Date, the City shall implement and maintain a civilian oversight entity. The duties and responsibilities of that entity shall, at a minimum, include the substantive and independent review of internal investigations and the procedures for resolution of civilian complaints; monitoring trends in complaints, findings of misconduct, and the imposition of discipline; and reviewing and recommending changes to NPD's policies and practices, including, but not limited to, those regarding use of force, stop, search, and arrest.

The Monitor will evaluate and report on the City's implementation and maintenance of this civilian oversight entity to determine if it is helping to achieve the goals of this Agreement. This decree shall not be deemed to confer on the civilian oversight entity any powers beyond those permitted by law, including by civil service rules and collective bargaining agreement. **(Page 10, Paragraph 13)**

Response:

On April 30, 2015, the City of Newark issued an Executive Order, MEO-15-0005, establishing a Civilian Complaint Review Board. The City passed City Ordinance 16-0276, which sets forth the duties and responsibilities of the Civilian Complaint Review Board.

On November 2, 2016, the Fraternal Order of Police (FOP), requested a Preliminary Injunction under Docket Number: ESX-C-177-16, in front of the Honorable Thomas Moore, State of New Jersey Superior Court Judge, with the purpose to limit and/or stop the Civilian Complaint Review Board from performing their assigned functions as established by City Ordinance. The parties engaged in limited discovery and the case is now ripe for disposition.

On October 23, 2017, Judge Kessler issued a Briefing Schedule Order. Plaintiff must file their dispositive motion no later than December 15, 2017; Defendant to file

opposition/cross-motion no later than January 5, 2018; Plaintiff's reply brief is due no later than January 19, 2018. The tentative return date for all dispositive motions will be Thursday, February 1, 2018.

VI. STOPS, SEARCHES, AND ARRESTS

A. NPD will prohibit officers from conducting investigatory stops or detentions, when they lack reasonable suspicion that the person has been, is, or is about to be engaged in the commission of a crime. **(Page 13, Paragraph 25)**

B. NPD will prohibit officers from considering any demographic category in determining whether to conduct a search or to seek a search warrant, except that officers may rely on a demographic category in a specific suspect description, where the description is from a trustworthy source that is relevant to the locality and time. **(Pages 14-15, Paragraph 29)**

C. NPD will prohibit officers from arresting an individual unless the officer has probable cause to do so, and from relying on information they know to be materially false or incorrect when effecting an arrest. **(Page 15, Paragraph 35)**

Responses:

Currently members of the CDPU are working in collaboration with members of the Monitoring Team and U.S. Department of Justice to draft new, and revise existing policy regarding the below:

- Arrest Policy
- Bias-Free Policing Policy
- Investigatory Stops/Voluntary Contacts with Citizens Policy
- Search Policy
- 1st Amendment Right of Citizens to Observe, Object to, and Record Officer Conduct Policy

As the policies are completed, reviewed, further revised is necessary, and finally approved by the Monitor and DOJ; training will be developed on the policies. The training is also subject to review and approval by the Monitor and DOJ prior to implementation.

VII. USE OF FORCE

A. NPD will develop and implement a use of force policy or set of policies that comply with applicable law and requirements of this Agreement, including the Use of Force principles set out above. The comprehensive use of force policy or policies will comprise all force techniques, technologies, and weapons that are available to NPD officers, including standard-issue weapons that are made available to all officers and weapons that are made available only to specialized units. **(Page 24, Paragraph 66).**

Response:

Members of the CDPU are currently working collaboratively with members of the Monitoring Team and the U.S. Department of Justice in drafting new policies regarding the following:

- Use of Force Policy (Approved by Monitor 09/29/2017)
- Firearms and other Weapons Policy (Near completion)
- Use of Force Reporting, Review, and Investigation Policy (Near completion)

At this time the only policy which has been approved by the Monitor and U.S. Department of Justice is the Use of Force policy. There are two other policies, which are related to the Use of Force policy. Both of them are near completion; however, there needs to be review, revisions if necessary and Monitor and U.S. DOJ approval.

As the policies are completed, reviewed, further revised, and finally approved by the Monitor and DOJ, the NPD will be working toward developing the training for the policies. The training itself will also be subject to review and approval by the Monitor and DOJ before it, and the policies can be implemented.

Currently the Newark Police Division is diligently working to develop policy, training, and equip certain personnel, with less than lethal means to respond to use of force incidents, as an alternative to the use of deadly force, such as Conductive Energy Devices.

The Newark Police Division has also retained an independent contractor “Warning Order LLC”, who has developed a De-Escalation “Train the Trainer” course. This training which has already been reviewed and approved by the Monitor, will be taught to several identified NPD instructors in the near future, who will then deliver it to all NPD personnel.

B. The UFRB will include the Chief of Police or the Chief’s designee (who will chair the UFRB); supervisors from the Training Section; one representative from each involved precinct, selected by each precinct captain; and a representative from the OPS. The UFRB may consult with any subject matter experts the UFRB feels would be helpful in reviewing particular incidents and other advisors as necessary. **(Page 37, Paragraph 96)**

Response:

A Risk Analysis Review Board was established, and their responsibilities were delineated under General Order 17-02, Re: Risk Analysis Review. The board meets several times a month to review incidents where force has been used, in addition to police involved motor vehicle accidents, and vehicular pursuits. Representatives of the board include:

- Office of the Public Safety Director (designee)
- Office of The Chief of Police (designee)
- Operations Bureau Deputy Chief (designee)
- Office of Transparency & Risk Analysis Management Commander (**Chairperson**)
- Office of Professional Standards Commander or Executive Officer
- Advocate Office representative
- 1st - 5th Police Precinct Commanders or Executive Officers

- Communications Division / 911 Call Center Commander or Executive Officer
- Major Crimes Division Commander or Executive Officer
- Training Division Commander or Executive Officer
- Office of Transparency & Risk Analysis Management designee.

C. The Risk Analysis Review Board through its Chairperson is obligated to ensure a referral to OPS if potential misconduct is discovered in the review process. Should policy, equipment, or training deficiencies be noted in the review process, the Use of Force Review Board (Risk Analysis Review Board) Chairperson will ensure that they are brought to the attention of the relevant commanding officer for appropriate action, and final recommendation will be made to the Public Safety Director. **(Page 37, Paragraph 102)**

Response:

The Risk Analysis Review Board and their responsibilities are established in General Order 17-02, Re: Risk Analysis Review. The Commander of the Office of Transparency and Risk Analysis Management is the designated Chairperson of the board and prepares a summary report for the board, which includes the following regarding the Use of Force:

- Summary of each Use of Force report reviewed
- All relevant reports and information, including audio and video recordings
- Summary of any procedures violated
- Recommendation for corrective action
- Any incident that was directed to the Office of Professional Standards for further investigation

The Chairperson makes recommendations to the Public Safety Director following the board's review.

VIII. IN-CAR AND BODY-WORN CAMERAS

In conjunction with the Monitor and DOJ, NPD will develop and implement policy regarding body-worn camera video and audio recording that will address issues including use, retention, privacy issues, the use of recordings as evidence in force and complaint reviews, and the use of recordings for other criminal justice purposes (such as evidence in prosecutions).

At a minimum, NPD's body-worn camera policy will:

- Clearly state which officers are required to use body-worn cameras and under which circumstances;
- Specify the location(s) on the body where the camera should be worn;
- Require officers to activate their cameras when responding to calls for service and during all law enforcement-related encounters and activities, with appropriate exceptions (e.g., interviews with crime victims) that occur while on duty, and to continue recording until the conclusion of the incident(s) or encounter(s);

- Require officers to articulate in writing or on camera their reasons for failing to record an activity that NPD policy otherwise requires to be recorded;
- Require officers to inform subjects that they are being recorded unless doing so would be unsafe, impractical, or impossible;
- Establish a download and retention protocol;
- Permit officers to review video of incidents in which they were involved;
- Require periodic random review of officers' videos; and
- Require supervisors to review videos of incidents involving use of force and consent searches. **(Page 38, Paragraph 104)**

Response:

The NPD drafted a body-worn camera policy addressing the requirements in paragraph 104. This policy was available for the public to view on the Police Division's website. The policy, which is in its final stage of development with the assistance of the Independent Federal Monitor and the U.S. DOJ, will have to be approved by the Monitor.

Rutgers University, along with the Newark Police Division, authored a survey for the purpose of compiling community and officer feedback on the aforementioned policy. An electronic version of this survey was available on the Division's website and members of the community were able to complete and submit the form on-line.

Community Service Officers, and personnel from the Community Affairs Division also distributed copies of the survey and policy at businesses, community meetings and local events. Rutgers University prepared a report based on the officer and community feedback received. In addition, the draft policy was shared with the New Jersey Institute for Social Justice for their review and feedback.

Consideration was taken on some of the feedback received and the draft policy was amended. The NPD is currently in communication with the D.O.J. and members of the monitoring team to finalize the policy.

The NPD implemented the body worn and in-car camera pilot program in the 5th Precinct. Personnel from the 5th Precinct received training in New Jersey Attorney General Directive: 2015-1, Re: Body Worn Cameras and Stored Recordings, and the use of the body worn and in-car camera along with the software. This directive is being used as the guideline to govern the use of technology for the pilot program until the NPD policy is approved.

In addition, the following is a list of NPD organizational components that were trained in the Arbitrator software in order to evaluate and monitor the proper use of the equipment and compliance with procedure:

- Office of Professional Standards
- Legal Affairs
- Compliance Unit
- Risk Analysis and Transparency Unit
- Technology Division

- Integrity Control Officer

The NPD is now expanding the pilot program to the 2nd Precinct. The same training procedure used in the 5th Precinct will be provided to 2nd Precinct personnel.

VIII. THEFT

A. NPD will conduct periodic reviews of the disciplinary histories of its officers who routinely handle valuable contraband or cash, especially those in specialized units, to identify any patterns or irregularities indicating potential risk of theft by officers.

(Page 40, Paragraph 107)

B. NPD will maintain policies and procedures for the intake, storage, and release of property. **(Page 40, Paragraph 110)**

C. NPD will conduct and document periodic audits and inspections of the property room and immediately correct deficiencies. **(Page 41, Paragraph 111)**

Responses:

On December 8, 2016, a review of the disciplinary histories of all personnel assigned to the Property and Procurement Division was conducted in the presence of the Compliance Unit.

On February 20, 2017, additional personnel were assigned to the Property and Procurement Division, a review of their disciplinary histories was conducted by the Compliance Unit.

CDPU personnel are currently working with the members of the Monitoring Team and U.S. Department of Justice on development of new policies and revision of existing policy regarding the following:

- Property and Evidence Management Policy
- Custody and Inventory of Prisoner's Personal Property Policy
- Property & Evidence Packing and Storage

All personnel assigned to the Property and Procurement Division have received training on the BEAST Software, which is a type of software utilized to properly, securely, and efficiently manage the intake, storage, and release of property.

The BEAST software will be utilized to electronically track all property and evidence. Machines and additional licenses are being installed, and training is being imparted to personnel who handle the property and evidence.

As of now, training has been imparted to all personnel assigned to the Property and Procurement Division, Crime Scene Unit, Ballistics Unit, Municipal Arrest Processing Section, and the Special Victims Division. Training will start in the 2nd Precinct and the Special Enforcement Division before the end of October, 2017.

IX. COMPLAINT INTAKE AND INVESTIGATION

A. Within 365 days of the Operational Date, the City and NPD, in collaboration with the civilian oversight entity or other community input, will develop and implement a program to effectively publicize to the Newark community how to make misconduct complaints.
(Page 41, Paragraph 112)

B. The City and NPD will make forms and other materials outlining the complaint process and OPS contact information available on their websites and at appropriate government properties, such as NPD Headquarters and precincts, City Hall, and Public Libraries.
(Page 41, Paragraph 113)

Responses:

In December of 2016, the NPD revised the Office of Professional Standards' (OPS) Informational Flyer, and the NPD Citizen Informational Flyer, and provided the same to all police personnel to be handed out to citizens that they come in contact with, request such information, or can benefit from it. The OPS flyers contain information on how to make a complaint, and the address and telephone number of the Office of Professional Standards. However, the flyers were only completed in the English language, and translation into the Spanish and Portuguese languages is still pending. Once the translation is completed, the flyers will be distributed to all Police Facilities, City Hall, and our Public Libraries.

Posters were made informing citizens of how and where a misconduct complaint can be made; they are pending translation into the Spanish and Portuguese languages, and subsequent approval by the Monitor and DOJ. Once that is completed, they will be posted conspicuously at every of the above described facilities.

The website for the Department of Public Safety has been updated to include current information on how citizens can file misconduct complaints. The website for the City of Newark provides a link to the Department of Public Safety's website.

A Web- based Mobile Application was developed, and launched; where in addition to obtaining important information, citizens are able to file misconduct complaints.

C. NPD will maintain a centralized numbering and tracking system for all misconduct complaints. NPD will promptly assign a unique identifier upon receipt of a complaint, which will be provided to the complainant at the time the complaint is made.
(Page 43, Paragraph 125)

Response:

IA-Pro is the software currently utilized by the Office of Professional Standards, among other things to track and analyze internal and external misconduct complaints. This system has been in use for approximately ten years.

The Police Division has recently purchased a software enhancement to IA-Pro, called "BlueTeam". This software will allow for a more efficient and effective way of entering, and tracking misconduct complaints; it will also have the capability to assign a unique

identifier which will be provided to the complainant upon receipt of a misconduct complaint.

Following training received from CIT Technologies on the use of the BlueTeam software, the Police Division has completed training all current personnel, except those who are currently Long Term Sick or Injured, or currently Suspended. In those cases, those officers are trained as they return to duty.

Several policies and procedures affected by the use of BlueTeam are being revised. Once the appropriate changes to policy and procedure are finalized, the use of the software will be implemented Division-wide.

X. DISCIPLINE

Within 90 days of the Effective Date, NPD will implement disciplinary guidance that:

- Establishes a presumptive range of discipline for each type of violation;
- Increases the presumptive discipline based on an officer's prior violations of the same or other rules;
- Sets out defined mitigating or aggravating factors;
- Requires that any departure from the presumptive range of discipline must be justified in writing;
- Prohibits taking only non-disciplinary corrective actions when the disciplinary matrix calls for the imposition of formal discipline; and
- Provides that NPD will consider whether additional non-disciplinary corrective action may be appropriate in a case where discipline is also imposed.

(Page 50, Paragraph 153)

Response:

A Disciplinary Process and Matrix was developed. The document, which is the result of a collaborative effort with Subject Matter Experts from the Monitoring Team, and the U.S. DOJ is still undergoing revisions by all parties, and is near completion.

There are several issues that affect the document, which are currently being challenged in court by the Police Unions, such as the function of C.C.R.B., and existing Collective Bargaining Agreements.

Once the document is finalized, reviewed and revised if necessary, it will require approval by the Monitor and DOJ. Once this happens, NPD personnel will have to receive training on it (subject to review and approval by the Monitor), before its implementation.

With the pending litigation challenging the C.C.R.B. ordinance, NPD is not able to finalize the Matrix at this time.

XI. DATA SYSTEMS IMPROVEMENT

Within one year of the Effective Date, and consistent with applicable law and best practices, NPD will enhance its Early Warning System (EWS) to support the effective supervision and management of NPD officers. NPD will use the EWS to promote constitutional policing and professional police practices. The EWS will use a relational database to track and analyze information regarding the activities of all NPD personnel. The City will provide NPD with sufficient funding levels to implement and maintain the EWS, including its ongoing hardware and support requirements. **(Page 51, Paragraph 156)**
Response:

The NPD utilizes an Early Warning System called IA-Pro, to track and analyze information regarding the activities of all personnel. This system has been in use for approximately ten years. The Police Division has recently purchased a software enhancement to IA-Pro called BlueTeam. This software allows an incident to be managed from the field and ensures consistency of data. Other Consent Decree police agencies, e.g. Seattle Police Department, are utilizing BlueTeam with approval of their Independent Federal Monitors.

All current Police Division personnel have been trained on the use of the software. Multiple policies which are affected by the use of the software are being revised, once that is completed, the use of BlueTeam will be implemented.

XII. TRANSPARENCY AND OVERSIGHT

To the extent permissible by law, including civil service rules and collective bargaining agreements, NPD will make its policies publicly available, and will regularly report information regarding officer use of force; misconduct complaints; and stop/search/arrest data. Where NPD seeks to withhold a policy from the public, it will confer with DOJ and the Monitor to determine whether the particular policy, or any part of it, should be withheld from publication. **(Page 53, Paragraph 164)**

Response:

The Department of Public Safety's website is constantly updated and revised to maintain the most up-to-date information available to all members of the community. As the NPD continues the process of developing and revising all its policies and procedures in collaboration with the Monitoring Team and the U.S. Department of Justice, the NPD will publish all policies once they are completed, reviewed, approved, and implemented.

The following is additional data currently available on the website:

1. Sworn Personnel Rules and Regulations
2. Civilian Personnel Rules and Regulations
3. Comstat related information
4. Crime Statistical Data
5. Transparency Data
 - Discipline
 - Misconduct Complaints

- Body Worn Camera Policy and Survey
 - Use of Force Data
 - Type of Force Used
 - Race of the person
 - Gender of the person
 - Injuries sustained by person/s and/or officer/s
6. Consent Decree
- First Year Monitoring Plan
 - Link to Independent Federal Monitor website

STRATEGIC PLAN

A Strategic Plan was created to outline the vision of the Public Safety Director for the NPD in the coming years, in order to achieve the objectives of the Consent Decree and build upon our community policing effort. This document provides an overview of the City of Newark including population and the history of the city.

There are multiple topics that detail the vision for the Newark Police Division to achieve the objectives. These objectives are intended to provide the people of Newark with professional service, and make the citizens join with the Police Division in addressing crime, quality of life issues, and other concerns and needs of the community.

Public Safety Director Anthony F. Ambrose is in the process of creating a video outlining the Strategic Plan and his vision for the Newark Police Division. This video will be integrated into the Community Oriented Policing and Bias-Free Policing Training PowerPoint presentation which all members of the Division will receive.

The Community Oriented Policing General Order, as well as the recently completed training curriculum for Community Oriented Policing and Bias-Free Policing, are based on the vision delineated in the Strategic Plan.

The plan will also be made public on the Newark Police Division website once finalized.

Respectfully submitted,

KENYATTA K. STEWART
ACTING CORPORATION COUNSEL
CITY OF NEWARK

CERTIFICATE OF SERVICE

The undersigned certifies that the City of Newark's Third Status Report was filed electronically on October 24, 2017. Notice of this filing will be sent to all parties via the Court's electronic filing system. Parties may access this filing through the Court's system.

By: /s/ Avion M. Benjamin
Avion M. Benjamin
First Assistant Corporation Counsel
City of Newark